

REMARKS

[0005] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-5, 7-9, 12-23, and 25-31 are currently pending.
- Claims 32-38 are canceled herein.
- No claims are withdrawn herein.
- Claims 1-5, 7-9, 12, 15-19, 21-23, and 25-31 are amended herein.
- No claims are added herein.

[0006] Support for the amendments to claims is found in the specification at least at page 11, lines 18-23; page 6, lines 25-27; page 8, lines 14-17; and page 9 lines 10-12.

Claims 1, 25, 28, and 34 Comply With § 112 1st Paragraph

[0007] Claims 1, 25, 28, and 34 stand rejected under 35 U.S.C. § 112, ¶ 1, as allegedly failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

[0008] Nevertheless, for the sole purpose of expediting prosecution and without commenting on the propriety of the Office's rejections, Applicant herein amends these claims herein, as shown above. Applicant respectfully submits that these amendments render the § 112, ¶ 1 rejections moot.

Claim 34 Recites Statutory Subject Matter Under § 101

[0009] Claim 34 stands rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

[0010] As Applicant has canceled claim 34 herein, Applicant respectfully submits that the § 101 rejection is effectively rendered moot.

Cited Documents

[0011] The following documents have been applied to reject one or more claims of the Application:

- **Cowart:** Robert Cowart, "Mastering Windows 95"
- **Ortega:** Ortega, et al., U.S. Patent No. 6,489,968
- **Hasegawa:** Hasegawa, U.S. Patent No. 6,513,038
- **Newman:** Newman, U.S. Patent Application Publication No. 2004/0139231

Independent Claims 1 and 25 Are Non-Obvious Over Cowart, and Ortega

[0012] Claims 1-5, 12-15, 20-23, and 25-27 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Cowart, in view of Ortega, et al. Applicant respectfully traverses the rejection.

Independent Claim 1

[0013] In light of the amendments presented herein, and the above-referenced discussion with the Examiner, Applicant submits that the rejection of independent claim 1 is moot. Applicant understood the Examiner to tentatively agree that the cited documents do not teach or suggest, "a packed state that, when assigned, causes data_items in a grouped category to be displayed under a singular icon when viewed from any folder which contains at least one of the data items in the grouped category."

[0014] Consequently, Applicant submits the combination of Cowart and Ortega does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 2-5, 7-9, and 12-23

[0015] Claims 2-5, 7-9, and 12-23 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2-5, 7-9, and 12-23 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

[0016] For example, Claim 13 recites "[t]he system of claim 1, further comprising a switch component for selecting between the discretized states". Applicant's representative understood the Examiner to tentatively agree that this claimed feature was distinguishing.

[0017] Accordingly, Applicant respectfully requests the withdrawal of this rejection.

Independent Claim 25

[0018] In light of the amendments presented herein, and the above-referenced discussion with the Examiner, Applicant submits that the rejection of independent claim 25 is moot. Applicant understood the Examiner to tentatively agree that the cited documents do not teach or suggest, "when the state is determined to be in a packed state, the displaying means causes the data items in the subset to be displayed under a singular icon when viewed from any directory location which contains at least one of the data items in the subset."

[0019] Consequently, Applicant submits the combination of Cowart and Ortega does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 26 and 27

[0020] Claims 26 and 27 ultimately depend from independent claim 25. As discussed above, claim 25 is allowable over the cited documents. Therefore, claims 26 and 27 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Independent Claim 28 Is Non-Obvious Over Hasegawa and Ortega

[0021] Claims 28-31 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Hasegawa, in view of Ortega, et al. Applicant respectfully traverses the rejection.

Independent Claim 28

[0022] In light of the amendments presented herein, and the above-referenced discussion with the Examiner, Applicant submits that the rejection of independent claim 25 is moot. Applicant understood the Examiner to tentatively agree that the cited documents do not teach or suggest, "displaying a group of data items under a singular icon in the display when the group is viewed from any folder within the hierarchical structure that contains at least one of the data items in the group of data items, when the group of data items is determined to be associated with the packed state" and the claimed "switching the group of data items from being associated with the packed state to the unpacked state or vice versa".

[0023] Consequently, Applicant submits the combination of Hasegawa and Ortega does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 29-33

[0024] Claims 29-33 ultimately depend from independent claim 28. As discussed above, claim 28 is allowable over the cited documents. Therefore, claims 29-33 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Conclusion

[0025] In light of the forgoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited. Should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, they are invited to telephone or e-mail the undersigned.

[0026] In addition, it is believed that all of the pending claims have been fully addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

[0027] Finally, nothing in this communication should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this communication, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Respectfully Submitted,

Lee & Hayes, PLLC
Representative for Applicant

/Randall T. Palmer 61440/
Randall T. Palmer
(randy@leehayes.com; 509-944-4761)
Registration No. 61440

Dated: 08/04/09

Rob Peck
(robp@leehayes.com; 206-876-6019)
Registration No. 56826